

## **Chapter Five**

# **COORDINATING LOCAL PLANNING AND ZONING STANDARDS**

### **Introduction**

This Chapter examines the existing land use, future land use and existing zoning for the jurisdictions along the US-41/M-28 corridor study area. The land use and zoning are also compared on the border areas between jurisdictions to determine if planned and existing uses are compatible. The land use and transportation relationship is examined through analysis of the planned uses and their design character and how they relate to the preservation of the road function.

#### **Description of Zoning Elements to Examine**

This Chapter also examines specific elements from each of the zoning ordinances with relation to roadway function, including lot size, setbacks, sign regulation, landscaping, lighting, existing access management standards and other standards that affect the function and aesthetic of the US-41/M-28 corridor.

### **Comparison of Land Use and Zoning and Future Land Use Maps for Jurisdictions in US-41/M-28 Study Area**

#### **Planning Efforts Along the Corridor**

Most of the jurisdictions along the corridor have a Comprehensive or Master Plan in place. However, many are quite old. By law, a Comprehensive Plan should be reviewed at least once every five years, and then updated if necessary. Currently, the City of Marquette, Marquette Township, Chocolay Township and Ely Township are in the process of updating their Plans. The City of Negaunee and Negaunee Township have Comprehensive Plans that were completed in 1999. Ishpeming Township's Comprehensive Plan dates back to 1978, so an update is due.

A Comprehensive Plan should include a Future Land Use Map, which illustrates how the community vision will be carried out. The Future Land Use Map should guide rezoning changes and development in the future. The City of Negaunee, Negaunee Township, the City of Ishpeming and Chocolay Township currently have no Future Land Use Map within their Plan.

#### **Comparison of Future Land Use Plans to Existing Zoning**

Comparison of the Future Land Use Maps to the Zoning Maps provides a context for how a jurisdiction is planning for growth in the future. Future land use for each community that has adopted a Plan with a Future Land Use Map is displayed on Maps 4-1 through 4-8 in Chapter Four. The existing zoning of land along the corridor from the Zoning Maps for each jurisdiction are presented on

Maps 5-1 through 5-4. Following are observations that result from comparing local Future Land Use Maps to Zoning Maps.

#### City of Marquette

- A large area off of Seventh Street currently is an abandoned rail yard which is zoned industrial. The Future Land Use Map indicates future residential use in this area (which is what most of the abutting uses are to the south and east).
- The land south of downtown on US-41/M-28, on Lake Superior is zoned for more recreational space than is shown on the Future Land Use Map.

#### Marquette Township

- The Zoning Map and Future Land Use Maps are fairly consistent.
- The area on the western border of the Township is zoned for residential use, but the Future Land Use Map indicates a Forest/Open Space Use.
- The large commercial area from Brickyard to the City of Marquette would not be consistent with access management goals if it were allowed to develop as strip commercial with many separate driveways.

#### Ishpeming Twp

- This Land Use Plan is from 1978, so there isn't much that matches with the current zoning patterns. The current zoning includes much more "commercial" than planned in 1978, particularly along the US-41/M-28 corridor.

#### Ely Twp

- Large land areas are indicated for ore production
- There is a large area for commercial zoned along US-41/M-28 but it is not used that way. Typically it is unwise to zone land to a more intensive use class prior to its more intensive use. It leads to land speculation and future access management problems if it develops as strip commercial.
- Residential areas are indicated as bordering on "ore production" areas; is that a problem? If there are strong buffering provisions it may not be.

#### Compatibility of Zoning Ordinances

The Zoning Maps of the eight jurisdictions were then reviewed for compatibility at the border areas between jurisdictions along US-41/M-28. Zoning is reviewed at the border to identify any "neighboring" jurisdiction conflicts that can arise when one jurisdiction zones for a more intensive use or conflicting use at a jurisdiction border. Overall, the zoning border to border seems compatible along the corridor. Generally when one jurisdiction zones residential, the neighboring jurisdiction has zoned residential as well.

- Based on measurements from the GIS maps of land within 1,300 ft. of each side of the corridor, 30% of the land is zoned commercial. Ely Twp., Ishpeming Twp., City of Ishpeming, Negaunee Twp., Negaunee, Marquette Twp., City of Marquette and Chocolay Twp.: all have

commercial districts along US-41/M-28. Expansion of “strip” commercial development along US-41/M-28 will negatively impact traffic safety and the traffic flow along the corridor unless access is severely restricted.

- There are a few locations within individual townships that may not be compatible. For example, in Ely Township, about  $\frac{3}{4}$  of a mile east of the Township border there is an area of “Residential” bordered by “Industrial”. In Ishpeming Twp., on the north side of US-41, about one mile east of the Ishpeming Twp. border, there is a zoned area of “Industrial” next to an existing residential neighborhood.

#### Density and Frontage Lots

The density and lot widths are particularly important because if numerous lots are allowed on the US-41/M-28 corridor, more driveways are required to serve those lots. Smaller lot sizes along the corridor can be problematic if all of the lots have separate driveways, because the driveways are too close to one another.

Typically 350-450 feet are needed between driveways to achieve the proper driveway spacing on a 45-55 MPH road. The minimum lot width standards should be enough (at least 300-400 feet) to accommodate these driveway distance separations, or shared driveways need to be required. Refer to Table 4-1 for driveway spacing guidelines and Table 5-1 for lot restrictions in each US-41/M-28 corridor study area jurisdiction. Other relevant observations follow:

- Densities vary greatly from jurisdiction to jurisdiction and within each jurisdiction. Minimum lot sizes range from 6,000 square feet to 40 acres.
- Minimum lot widths along the corridor range from 70' to 660'.
- The City of Ishpeming, City of Marquette and City of Negaunee allow the smallest residential, commercial and industrial lots.
- Ishpeming Twp., the City of Marquette and the City of Negaunee have no minimum lot size requirements for commercial and industrial lots.
- Setbacks on the corridor for all districts are 20-50'. The City of Negaunee has no setback requirement on commercial and industrial properties.
- Rear yards allowed along the corridor are 10-50'. The City of Negaunee has no rear yard requirement on any properties.
- Many of the jurisdictions require site plan review for commercial and industrial construction. See Table 5-1.

Insert Map 5-1

Insert Map 5-2

Insert Map 5-3

Insert Map 5-4

**Table 5-1: Zoning Comparisons**

<b>Municipality</b>	<b>Zoning District on US-41</b>	<b>Min. Lot Size</b>	<b>Min. Lot Width</b>	<b>Front Setback</b>	<b>Rear yard</b>	<b>Site Plan Required?</b>
Ely Township	R: Residential	20-30,000 sq. ft.	100-120'	30'	25'	Determined by Z/A
	R-2 : Residential	2 acres	165'	30'	30'	Determined by Z/A
	R-10: Residential	10 acres	330'	30'	35'	Determined by Z/A
	Town Development	20-30,000 sq. ft.	100-120'	30'	35'	Determined by Z/A
	Resource Production	20 acres	660'	30'	30'	Determined by Z/A
	Timber Production	40 acres	660'	35'	35'	Determined by Z/A
Ishpeming Township	Single Family Residential	20,000 sq. ft.	125'	30'	10'	NO
	Multi Family Residential	20,000 sq. ft.	125'	30'	30'	NO
	Rural Residential	10 acres	300'	30'	30'	YES
	Commercial	none	none	30'	20'	YES
	Industrial	none	none	40'	20'	YES
City of Ishpeming	Single Family Residential	7,500 sq. ft.	80'	25'	30'	NO
	General Commercial	6,000 sq. ft.	75'	20'	25'	YES
Negaunee	Residential A	9,600 sq. ft.	80'	20'	none	NO
	Residential B	9,000 sq. ft.	80'	20'	none	NO
	Commercial	none	none	none	none	YES
	Industrial	none	none	none	none	YES
	PUD	none	none	none	none	YES
Negaunee Twp.	R-2: Single Family Residential	43,560 sq. ft.	125'	25'	25'	YES
	B-1: Restricted Business	11,000 sq. ft.	75'	25'	25'	YES
	B-2: General Business	11,000 sq. ft.	75'	25'	25'	YES
	I: Industrial	5 acres	250'	50'	50'	YES
Marquette Twp.	Rural Residential	20-40,000 sq ft.	150'	35'	25'	Determined by Z/A
	Gen. Business District	8-20,000 sq. ft.	60-100'	25'	25'	YES
	Development District	8-20,000 sq. ft.	60-200'	25'	25'	YES
City of Marquette	Single Family Residential	10,800 sq. ft.	80'	30'	30'	NO
	General Residential	8,400 sq. ft.	70'	20'	30'	NO
	General Business	none	none	35'	20'	YES
	Office District	8,000 sq. ft.	80'	0	10'	YES
	Industrial	none	none	25'	10'	YES
	Conservation and Recreation	none	none	50'	50'	N/A
Chocolay Twp.	R-1: Residential	25,000 sq. ft.	125'	30'	35'	NO
	R-2: Residential	25,000 sq. ft.	125'	30'	25'	NO
	R-3: Residential	25,000 sq. ft.	125'	30'	25'	YES
	R-4: Residential	20 acres	none	30'	30'	YES
	C-1: Commercial	25,000 sq. ft.	125'	30'	20'	YES
	C-2: Commercial	25,000 sq. ft.	125'	40'	20'	YES
	C-3: Commercial	1 acre	150'	40'	20'	YES



### Sign Requirements

Sign requirements were also examined in each jurisdiction. See Table 5-2 for the comparison information between jurisdictions. Particularly important to roadway function is the setback of signs out of the right-of-way and the consolidation of signs to minimize driver confusion. Other observations include:

- There are setback requirements for signs in most of the jurisdictions. 10-50' setback from ROW line is the typical range.
- Some jurisdictions have regulations allowing larger signs if setback further from the road.
- Negaunee Twp. has a "cluster" sign regulation, allowing for a larger sign if a group of businesses agrees to forgo their own sign on their property.

### Parking Lot and Driveway Requirements

Parking lot requirements were examined in each jurisdiction for their relevance to access management. See Table 5-2 for the comparison information between jurisdictions. Few jurisdictions regulate the allowable distance to another driveway or to an intersecting road. However, restrictions on driveways may be covered within the newly adopted local access management ordinances. Other observations include:

- There are few parking requirements relating to access management concepts in the ordinances.
- The City of Marquette and the City of Ishpeming have driveway standards which give minimum distances between parking lot driveways on adjacent lots and intersections.

### Landscaping Requirements

Landscaping requirements were examined in each jurisdiction for relevance to access management. See Table 5-3 for the comparison information between jurisdictions. Landscaping was considered as a part of the zoning analysis for improved corridor aesthetics.

- Most communities along the corridor have landscaping requirements either within specific zoning districts, or as a separate element within their zoning ordinance.
- Parking lot landscaping is addressed in several zoning ordinances. See Table 5-3 for the detailed information from each jurisdiction's zoning ordinance.

### Lighting Requirements

Lighting requirements were examined in each jurisdiction for relevance to access management. See Table 5-3 for the comparison information between jurisdictions. Lighting was considered as a part of the analysis for improved safety and aesthetics.

- Lighting was not a provision within many of the ordinances.
- Sign lighting was regulated in several jurisdictions.

### Access Management Requirements

The US-41/M-28 Corridor Advisory Committee began the process of adapting the three MDOT sample Access Management Ordinances to fit local conditions along the corridor study area in 2002. The Committee drew from three "Sample Access Management Ordinances" that were developed within MDOT's, **Reducing Traffic Congestion and Improving Traffic Safety in Michigan Communities: The Access Management Guidebook** for each jurisdiction. All of the jurisdictions along US-41/M-28 have committed to adding access management provisions in their zoning ordinance. This process of ordinance is expected to be complete by autumn 2004. See Table 5-3.

Some of the jurisdictions along the corridor are considering adopting access management regulations in a manner that makes them applicable to all arterials in the community, not just US-41/M-28. This is common in other parts of the state as the safety benefits of access management regulations certainly deserve to be achieved along county primary roads and major city streets as much as they do along a state highway.

**Table 5-2: Sign and Parking Requirements**

<b>Municipality</b>	<b>Minimum Sign Setback</b>	<b>How Measuring Setback?</b>	<b>Comments on Signs</b>	<b>Parking Lot Setback</b>	<b>Temporary Signs</b>
Ely Township	10'	ROW line	Restrictions on sign size in TD and Industrial districts	NO	Yes-removed 10 days after event
Ishpeming Twp.	50'	From the lot line	Size of sign may be increased if setback is increased (10% increase for 50' increase)	NO	Yes-under written permission of ZA
City of Ishpeming	NO	NO	Not applicable	Driveways 40' from corner and 25' from an adjacent property	NO
Negaunee	NO	NO	Not applicable	N/A	NO
Negaunee Township	50'	ROW line	Provisions for "cluster" signs-signs with a group of businesses	NO	Yes-under written permission of ZA
Marquette Township	States no signs in ROW	ROW line	Very detailed provisions on freestanding, projecting, wall, graphics.	10'-20' from the ROW	Yes
City of Marquette	No signs in ROW. No signs within 25 ft of ROW or driveway opening.	ROW line	Ordinance regulates by sign type (ground, pole, etc).	Driveways 400' from corner and 25' from an adjacent property	Yes-under written permission of ZA
Chocolay Township	5'	From the ROW line	Regulations vary by size of facility/property	NO	Yes-under written permission of ZA

<b>Table 5-3: Access Management, Landscaping and Lighting</b>			
<b>Municipality</b>	<b>Adopted Access Management Ordinance?</b>	<b>Lighting</b>	<b>Landscaping</b>
Ely Township	NO	For sign illumination	Yes, required planting screens (with specifications), parking lot landscaping requirements
Ishpeming Twp.	NO	For sign illumination	Yes, required planting screens (with specifications-spacing of plantings), parking lot landscaping requirements
City of Ishpeming	NO	NO	Yes, basic provisions to provide ground cover to prevent soil washing, blowing or erosion
Negaunee	NO	Street lights in sub. development	NO
Negaunee Township	Yes, used AM Guidebook model ordinance	For sign illumination	Yes, required planting screens (with specifications-spacing of plantings), parking lot landscaping requirements
Marquette Township	No, in progress	For sign illumination, exterior lighting standards within zoning districts	Yes, parking lot landscaping and landscaping within zoning districts
City of Marquette	NO- they have a draft	For sign illumination, exterior lighting standards within zoning districts	Yes, parking lot landscaping and landscaping within zoning districts
Chocolay Township	NO	For sign illumination, exterior lighting standards within zoning districts	Yes, required planting screens (with specifications), parking lot landscaping requirements

## Recommendations

### Planning and Zoning

The jurisdictions without current Comprehensive or Master Plans should update the Plans within the next few years. Jurisdictions without any Future Land Use Map should adopt one while conducting a Comprehensive Plan update. The US-41/M-28 Corridor Advisory Committee should review Comprehensive Plans before adoption to assure that the US-41/M-28 corridor function is protected and preserved in a manner that is consistent with this Plan. Jurisdictions that adopt one of the MDOT Model Access Management Ordinances should also amend their Plan to provide some contextual background for the Access Management Regulations or just refer to this Plan. See also the section on joint permit reviews beginning on page 6-5.

The primary zoning recommendation for each jurisdiction is to seriously reconsider the amount of commercial zoning directly adjacent the corridor. Jurisdictions should consider that the regional commercial uses can be accommodated within existing downtowns or adjacent and behind (away from the highway) existing commercial development, such as on Commerce Drive in Marquette Township. Also before rezoning more land for commercial development, keep in mind that any new commercial development may pull from the already existing businesses within neighboring jurisdictions. A lower intensity zoning like forestry is a much better classification for undeveloped land along US-41/M-28.

### Access Management

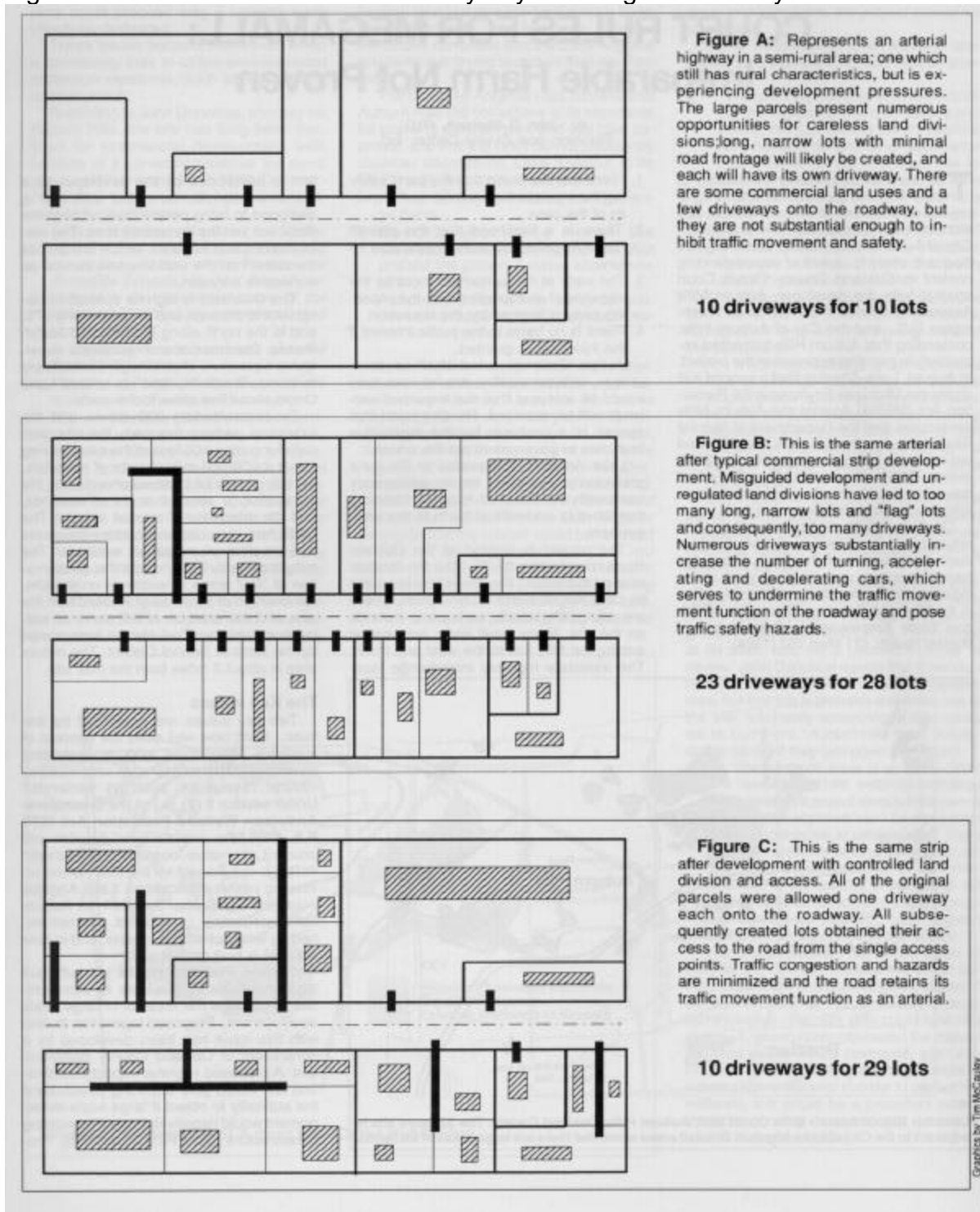
#### Limit the Number of Driveways

One of the most effective ways to prevent a proliferation of new driveways is to limit the number of new access points to existing parcels before extensive land division occurs. This is most effective in suburban and rural areas before large parcels are fragmented into many smaller ones. There are several areas along US-41/M-28 that have not fully developed yet, and should take advantage of this technique. It is accomplished by adding a short provision to the zoning ordinance that effectively limits to one, all future driveways in the area identified. As smaller lots are created, common driveways, access easements, or service drives are required to provide access to any new parcels. This is referred to as “locking-in” driveways. See Figure 5-1.

Proliferation of driveways along an arterial is a major access management problem. This occurs most often in areas with many narrow lots. Thus it is important to prevent the creation of narrow lots, or to provide an alternative means of access to them. If it is inappropriate in an area to require wide lots, then narrow lots should be required to have access by means of a frontage road, rear service drive, and other forms of shared access. If there are double frontage

lots, they should be permitted access only from a service drive or a local street, rather than from the arterial.

Figure 5-1: Limit the Number of Driveways by “Locking In” Driveways



Source: McCauley, Tim, “Preventing Commercial Driveways in Strip Commercial Areas”, *Planning and Zoning News*, September 1990.

The Land Division Act (PA 288 of 1967) requires that new lots not exceed a depth of four times the width, unless otherwise permitted by a local government. However, one place where deep lots are beneficial is along major arterials, because of the potential that is provided for front or rear access drives and for deep building setbacks. They also provide room for a buffer from abutting residential property. Deep lots are advantageous if the possibility exists for future road widening. Right-of-way acquisition is often impractical or very expensive if lots are shallow or buildings are located close to the roadway.

Jurisdictions along the US-41/M-28 corridor that have not adopted an Access Management Ordinance should do so soon. However, lot requirements along US-41/M-28 may need to be altered within the jurisdictions' Zoning Ordinance to preserve the current and future function of the roadway.

#### Lot Requirements

Minimum lot widths along US-41/M-28 should be revised, particularly in areas that have not yet developed. Use Tables 3-1 and 4-1 in Chapters 3 and 4 to set appropriate minimum lot widths that provide enough width for appropriate distance between driveways.

Building setbacks should also be more uniform throughout the corridor. Larger setbacks provide space if future expansion of the roadway occurs.

### **Aesthetics**

#### Landscaping

Most of the jurisdictions already have provisions within their ordinances for landscaping. See Table 5-3. However, to give the US-41/M-28 corridor a more uniform appearance, common landscaping guidelines, could be agreed to by the US-41/M-28 Corridor Advisory Committee. The Committee could actually draft uniform landscaping requirements that require landscaping in parking lots and between different land uses. The guidelines would include providing the proper setback from US-41/M-28 to assure that sight distance for driveways and intersections is maintained.

Also included in the landscaping guidelines could be the appropriate street trees and plantings to use along the US-41/M-28 Corridor. Any plantings and trees would need to be salt tolerant species. The Committee could identify a "theme" for the species, such as a specific type of evergreen or bush. This could be planted along the entire corridor to provide a uniform landscape. Most jurisdictions currently have accepted trees within their landscaping plan; these trees include Scotch Pine, Spruce, Jack Pine, Oak, etc.

#### Signs

Several jurisdictions along US-41/M-28 have provisions for signs. See Table 5-2. Sign aesthetics are already addressed in many of these zoning provisions ;



however, a more uniform approach along the corridor for private signs may, over time, enhance the visual quality of the corridor and reduce driver confusion.

Uniform aesthetic guidelines could include private sign provisions that might call for more “cluster” signs that group together several businesses signs rather than having individual signs for every business. See Figure 3-5 in Chapter 3 for an illustration of this technique. Uniform signs along the corridor could provide a much more pleasing scene for drivers.

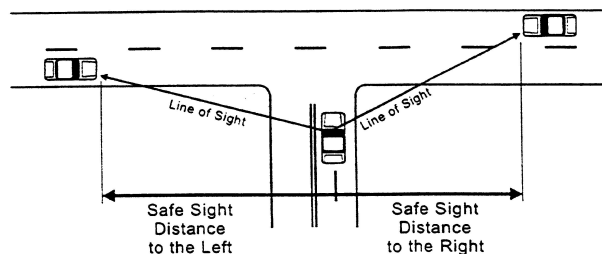
### Lighting

Few of the jurisdictions along the US-41/M-28 corridor have lighting provisions within their ordinance. See Table 5-3. Uniform lighting options might be included as part of US-41/M-28 aesthetic guidelines. The lighting might include decorative roadway lighting to enhance the road’s visual appeal and pedestrian scale lighting to be implemented in downtown areas in conjunction with sidewalk improvements.

### Clear View Triangles

Ely Township and Marquette Township have adopted “Clear View Triangles” at intersections, which restrict private signs and landscaping to 30 feet from the intersection. It creates a triangle of clear vision that helps motorists sight distance at intersections. Figure 5-2 illustrates the idea. This concept should be adopted in the other jurisdictions along the corridor.

Figure 5-2: Sight Distance at the Intersection



Source: National Highway Institute Course No. 15255, *Access Management, Location and Design*, April 1998, p. 3-37.

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